

§ 1048.630

settings appropriate for the specified test fuel, consistent with the provisions of paragraph (b)(1) of this section.

(b) To produce engines under this section, you must do the following:

(1) Specify in-use adjustments needed so the engine's level of emission control for each regulated pollutant is equivalent to that from the certified configuration.

(2) Add the following information to the emission control information label specified in §1048.135:

(i) Include instructions describing how to adjust the engine to operate in a way that maintains the effectiveness of the emission-control system.

(ii) State: "THIS ENGINE IS CERTIFIED TO OPERATE IN APPLICATIONS USING NONCOMMERCIAL FUEL. MALADJUSTMENT OF THE ENGINE IS A VIOLATION OF FEDERAL LAW SUBJECT TO CIVIL PENALTY."

(3) Keep records to document the destinations and quantities of engines produced under this section.

[70 FR 40481, July 13, 2005]

§ 1048.630 What are the provisions for exempting engines used solely for competition?

We may grant you an exemption from the standards and requirements of this part for a new engine on the grounds that it is to be used solely for competition under the provisions of 40 CFR 1054.620. The requirements of this part do not apply to engines that we exempt for use solely for competition.

[73 FR 59242, Oct. 8, 2008]

§ 1048.635 What special provisions apply to branded engines?

The following provisions apply if you identify the name and trademark of another company instead of your own on your emission control information label, as provided by §1048.135(c)(2):

(a) You must have a contractual agreement with the other company that obligates that company to take the following steps:

(1) Meet the emission warranty requirements that apply under §1048.120. This may involve a separate agreement involving reimbursement of warranty-related expenses.

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(2) Report all warranty-related information to the certificate holder.

(b) In your application for certification, identify the company whose trademark you will use.

(c) You remain responsible for meeting all the requirements of this chapter, including warranty and defect-reporting provisions.

[70 FR 40481, July 13, 2005, as amended at 73 FR 59242, Oct. 8, 2008]

§ 1048.640 What special provisions apply for small-volume engine manufacturers?

This section describes how we apply the special provisions in this part for small-volume engine manufacturers.

(a) Special provisions apply for small-volume engine manufacturers, as illustrated by the following examples:

(1) Waived requirements related to torque broadcasting. See §1048.115.

(2) Assigned deterioration factors to reduce testing burden. See §1048.240.

(3) Additional special provisions apply for small-volume engine and equipment manufacturers under 40 CFR part 1068. For example, see 40 CFR 1068.250.

(b) If you use any of the provisions of this part that apply specifically to small-volume engine manufacturers and we find that you do not qualify to use these provisions, we may consider you to be in violation of the requirements that apply for companies that are not small-volume engine manufacturers. If you no longer qualify as a small-volume engine manufacturer (based on increased production volumes or other factors), we will work with you to determine a reasonable schedule for complying with additional requirements that apply. For example, if you no longer qualify as a small-volume engine manufacturer shortly before you certify your engines for the next model year, we might allow you to use assigned deterioration factors for one more model year.

[73 FR 59242, Oct. 8, 2008]

Subpart H [Reserved]